

From: Estrada, Linda

Sent: 3/3/2014 9:21:42 PM

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Subject: U.S. TRADEMARK APPLICATION NO. 85727628 - INFLECTION POINT MOBILE - 19148.7 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 7

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85727628

MARK: INFLECTION POINT MOBILE



CORRESPONDENT ADDRESS:

JOHN C STRINGHAM

WORKMAN NYDEGGER

60 E SOUTH TEMPLE STE 1000

SALT LAKE CITY, UT 84111-1011

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: Inflection Point Retail, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

19148.7

CORRESPONDENT E-MAIL ADDRESS:

jstringham@wnlaw.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 3/3/2014

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated July 26, 2013 are maintained and continue to be final. *See* TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. It is noted that applicant has filed a Petition to Divide the application and that International Class 35 has been transferred. The instant application is now limited to International Class 9.

It is further noted that applicant has properly amended the identification of goods. However, applicant's amendments do not overcome the refusal of the mark under Section 2(d) of the Trademark Act. The examining attorney encloses additional third party advertising supporting the finding that the goods and services identified by the parties are related and commonly travel in the same channels of trade.

Accordingly, the request is denied.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a)(2)(B), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

/Linda M. Estrada/

Trademark Examining Attorney

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Get a wholesale tire software solution that is intuitive and easy to use for both you and your tire dealers. Users find standard navigation and functionality with an interface that is designed to let your dealers easily perform daily tasks and interface with their customers online. This robust solution layers on top of any retail operating system so you can continue to manage your tire inventory levels as always. The result is an intelligent and integrated software solution that fits your business needs.

DTWholesale - wholesale tire software features and benefits.

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Provide your dealers an online site that the tools they need to interact with you in real-time
- **Quick and Easy Inventory Search**
Dealers can find product inventory by fitment, size and brand.
- **Fully Featured Ordering and History**
A shopping cart based ordering system makes it easy for any user to place orders and view their ordering history.
- **Dealer Portal**
Dealers have access to alternate views of product details that are customer friendly. The dealer brand and logo are displayed along with end user pricing in such a way that the dealer can either show their customer the information on-screen or print out a quote.

Contact us today for a free demo of DTWholesale our wholesale tire software.



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- **Custom content management systems** that are database driven and allow you to update your software and websites as you see fit

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- GEOLocation Tracking**
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- Click to Call**
Customers no longer need to remember a phone number found on a web page. They can simply click to call the service center.
- Mobile Coupons**
Coupons can be provided via the mobile site instead of traditional printed versions.

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